

IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4402 OF 2004

Nitin Gorakh Lasure & Ors. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri Naveen Chomal for Applicants.

Shri V.B. Konde-Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.

DATED : 18.10.2004

PC :-

. Heard the learned counsel for the parties.
 Perused the record.

. I am inclined to grant bail in so far as
 Applicant No.1 (Accused No.7) and Applicant No. 3
 (Accused No.2), are concerned.

. In so far as Applicant No.2 (Accused No.6) is
 concerned, I am in agreement with the reasons recorded
 by the trial court while rejecting his bail
 application that pen knife has been recovered at the
 instance of the applicant under section 27 of the
 Evidence Act and he has been named by the prosecution

witnesses as having participated in the commission of the offence. Accordingly, the application of Applicant No.2 (Accused No.6), is rejected at this stage with liberty to file a fresh application before the trial court upon filing of the chargesheet, if so advised. If such application is filed, the same will be decided on its own merits in accordance with the law.

. As regards Applicant No.1 (Accused No.7) is concerned, he has been implicated on the assertion that he is the owner of the tempo. The applicant has denied that he is owner of the tempo. Be that as it may. This applicant was not present at the scene of the incident and as investigation is almost complete and no other material is forthcoming against this applicant, in the interest of justice, he deserves to be enlarged on bail on certain conditions, which are mentioned below.

. In so far, Applicant No. 3 (Accused No.2) is concerned, he is named only because of having found to be in possession of the cash purportedly derived from the sale of the goods in question. In my opinion, for the reasons recorded by the court below while

enlarging the three other accused on the ground that their role was different, on the same reasoning even this applicant deserves to be enlarged on bail. Accordingly, the following order is passed in this application :-

Application in so far as Applicant No.2 (Accused No.6) is concerned, the same is dismissed with liberty, as mentioned above.

So far as Applicant Nos. 1 and 3 i.e. Accused Nos.7 and 2 respectively, they are enlarged on bail in connection with C.R.No.81/2004, registered with Dindori Police Station, Nasik on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty Five thousand only) each with two local sureties in the like amount.

The Applicants shall regularly report to the investigating officer, once in a fortnight on Saturday between 10 a.m. to 1 p.m.

The Applicant shall extend full co-operation

for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Order accordingly.

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